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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/541,729

07/11/2005

Yukio Kitaike

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12/22/2008

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

NAKARANI, DHIRAJLAL S

ART UNIT

PAPER NUMBER

1794

NOTIFICATION DATE

DELIVERY MODE

12/22/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/541,729	Applicant(s) KITAIKE ET AL.	
	Examiner D. S. Nakarani	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11, 13 and 16-33 is/are pending in the application.
- 4a) Of the above claim(s) 2, 4, 8, 9, 11, 13, 16-19 and 23-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5-7 and 20-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :07/11/2005, 02/03/2006, 01/04/2007, 08/08/2007, 04/22/2008 and 09/30/2008.

DETAILED ACTION

1. Applicant's election without traverse of Group I, claims 1, 3, 5-7 and 20-22, in the reply filed on October 09, 2008 is acknowledged.

2. Claims 2, 4, 8, 9, 11, 13, 16-19 and 23-33 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on October 09, 2008.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 5-7 and 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Kishida et al (U. S. Patent 4,508,875).

Kishida et al disclose a multilayer structure polymer comprising: innermost layer (A)/crosslinked elastic layer (B)/intermediate layer (D)/outermost layer (C). The compositions of innermost layer (A), intermediate layer (D) and the outermost layer (C) falls within the compositions of claimed innermost layer polymer (I-A), intermediate layer polymer (I-B) and the outermost layer polymer (I-C) (Claims 1-20 and at least Example 1). Kishida et al disclose a film the multilayer structure polymer (Example 1). Kishida et al suggest addition of delustering agent, filler, colorant etc (Col. 10, lines 6-17). Kishida

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et al's film has excellent stress-whitening resistance (Abstract). Kishida et al fail to disclose claimed gloss, heat distortion temperature and claimed haze difference. However since the compositions and the structure of polymer is the same all the properties specifically not disclosed are deemed to be inherent properties unless shown otherwise.

5. Claims 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Koyama et al (U. S. Patent Application Publication US 2002/0136853 A1).

Koyama et al disclose an acrylic resin laminated film exhibiting a difference of haze values as determined after and before a tensile test 0.2 or less (Paragraphs 0059-0060 and Table 1-(2)). Koyama et al do not specifically disclose claimed gloss and heat distortion temperature. However Koyama et al's film comprises hard layer having a flexural modulus of about 1,800 MPa or more, the claimed heat distortion temperature deemed to be there unless shown otherwise. Since Koyama et al's co-extruded film brought in complete contact with polishing rolls, it deemed to have claimed gloss unless shown otherwise (Paragraph 0046).

6. Receipt of Information Disclosure Statements filed July, 11, 2005, February 03, 2006, January 04, 2007, August 08, 2007, April 22, 2008 and September 30, 2008 is acknowledged and all recited documents have been made of record. All recited non-English documents have been considered to the extent of provided their English abstract.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. S. Nakarani whose telephone number is (571) 272-1512. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/D. S. Nakarani/
Primary Examiner, Art Unit 1794**

DSN
December 17, 2008.